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Examiner: Luke E. Karpinski
Art Unit: 4173REMARKS

In response to the Patent Office Letter of December 20, 2007, the Applicant respectfully requests re-examination and reconsideration. To further the prosecution of this application, amendments have been made in the claims. These amendments have been made so that all claims in the application are now method claims with there being only a single independent method claim, namely claim 9.

In the Patent Office Letter the Examiner has presented a rejection under 35 U.S.C. §102 based upon the Dawson et al. U.S. Patent 4,772,427, hereinafter Dawson '427. In addition, the Examiner has also presented a rejection based upon the Hall et al. PCT Publication WO 97/03646, hereinafter Hall et al. '646. The Examiner has also set forth a rejection of claims based upon the combination of the above references.

The present invention, now set forth as a method, is characterized by features that the Applicant believes are not obvious from the prior art references cited by the Examiner, nor are they anticipated by either of these references. The present method relies upon the combination of a ratio of anionic surfactant to non-ionic gelling agent being 4 to 1 or greater, in combination with the fact that the gel structure is not formed for at least four minutes after the post-forming agent is added. Do to the presence of the non-ionic gelling agent, once the composition has been filled into the packaging and allowed to stand, the viscosity of the composition and therefore its gel rigidity increases. This gives rise to a composition which provides a non-mobile, shear thinning viscous gel which remains substantially unchanged until dispensed from the packaging for at least 12 months following manufacture when the composition is stored at 20°C to 25°C. As indicated in the present application, an advantage is that the gel structure of the composition does not begin to form for a sufficient period of time during the processing and packaging of the composition such that it can be easily pumped and filled into the packaging container. Furthermore, there is no gel formation within plant pipe-work and so stoppages and breakages are minimized.

First, with regard to the Dawson '427 reference, this is discussed on page 2 of the present application at lines 6-10. The product that is described in this reference gels on the addition of

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the post-foaming agent and forms a viscous gel prior to filling into a suitable container. As indicated in that discussion, this presents difficulties in terms of manufacturing due to the high viscosity of the gel that is formed.

Thus, in the Dawson et al. reference, the product gels on the addition of the post-foaming agent and forms a viscous gel prior to filling into the container. In this regard refer to Dawson '427 in column 8 at lines 50-52 where it is stated that "The gel is maintained under pressure during the packaging into a container...." Moreover, as now claimed, the gel is defined as only formed at least 4 minutes after the addition of the post-foaming agent to the mixture. Also important in this regard is the relationship between the anionic surfactant and the non-ionic gelling agent being greater than 4 to 1. This combination is not disclosed or suggested in the prior art documents relied upon by the Examiner.

Regarding the Hall et al. reference, it is noted that this is also owned by the present Applicant and thus the technology disclosed in Hall et al. is well known to the present Applicant. Essentially, the composition taught in Hall et al. has a viscous gel base which is used to suspend the foam forming material. In other words, a viscous gel is formed before the foam forming material/post-forming agent is added. This is thus contrary to the teachings of the present invention in which the gel structure is not formed for at least four minutes after the post-forming agent is added.

With the foregoing distinctions in mind, reference is now made to the present claims and in particular the sole independent method claim 9. Claim 9 has now been further limited. It is noted that claim 9 specifically recites that the gel structure is formed at least four minutes after the addition of the post-foaming agent to the mixture. Moreover, claim 9 now recites that the gel structure is only formed at least 4 minutes after the addition of the post-foaming agent to the mixture, with the step of filling the mixture into a package prior to the formation of the gel structure including filling the mixture into a final container from which the composition is later dispensed. This is not the case in either of the references relied upon by the Examiner.

The applicant urges that the amendments made to claim 9 now clearly distinguish the present invention over the Dawson reference. In this regard in Dawson one may refer to the

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section of Dawson bridging columns 8 and 9. Even though Dawson mentions that the gelling of the mixture may be immediate or may take anything up to 24 hours, it is clear from other statement in Dawson that the gel is formed prior to introduction into the final container. In addition to Dawson in column 8 at lines 50-52 mentioned above, also refer to Dawson in column 9 at lines 8-9 where it is stated that "The final gel product is stored in a pressurized cylinder until it is filed under pressure into the final package".

Nowhere in the Dawson reference is it disclosed or suggested that it can be ensured that the gel is only formed at least four minutes after addition of the post-foaming agent. Not only that, but the Dawson reference actually teaches away from this feature in that it teaches filling the gel itself into the final package. Also, Dawson requires further transfer of the composition after formation of the gel into a pressurized cylinder, which is not only an additional step which is not required in the present invention, but which will provide difficulties due to the higher viscosity of the gel structure.

The Applicant has also amended several other claims in the application so that all claims are now method claims. Note is also taken to the amendment to claim 35 which further clarifies that once the mixture has been filled into the packaging and allowed to stand the viscosity of the mixture and therefore its gel rigidity increases. Refer to the present specification at paragraph [0013]. This further limitation found in claim 35 further clarifies distinguishing language found in claim 9.

The Examiner has also presented a double-patenting rejection. The Applicant respectfully requests that this rejection be held in abeyance pending an indication of allowable subject matter.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicant respectfully submits that all of the claims pending in the above-identified application are in condition for allowance, and a notice to that effect is earnestly solicited.

If the present application is found by the Examiner not to be in condition for allowance, then the Applicant hereby requests a telephone or personal interview to facilitate the resolution of

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any remaining matters. Applicant's attorney may be contacted by telephone at the number indicated below to schedule such an interview.

The U.S. Patent and Trademark Office is authorized to charge any fees incurred as a result of the filing hereof to our Deposit Account No. 19-0120.

Respectfully submitted,
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